



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

JAN 25 2005

DOT-E 11834
(FIFTH REVISION)

EXPIRATION DATE: December 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Ashland, Inc.
Columbus, OH
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain Class 3 adhesives with Division 5.2 liquid organic peroxides as part of a two-component adhesive mixing apparatus, subject to the packaging and special provisions prescribed herein. This exemption provides no relief from any Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.173 and 173.202 in that a non-DOT specification packaging is not authorized except as specified herein; and the marking requirements of § 172.301(c).

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5. BASIS: This exemption is based on the application of Ashland Inc. dated January 4, 2005, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Adhesives, containing a flammable liquid	3	UN1133	II
Organic peroxide, Type E, liquid (contains benzoyl peroxide)	5.2	UN3107	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is non-DOT specification mechanical adhesive application system (system) as described in Ashland Chemical Company's application on file with the Office of Hazardous Materials Exemptions and Approvals. The system utilizes two UN 1A2 type drums without standard drum closures of approximately 19 liters (5 gallons) capacity each.

(1) Each drum must be securely affixed underneath a follower plate assembly which serves as the drum closure.

(2) The follower plate assembly is operated by an air driven hydraulic pump. The follower plate must be fitted with new fluorocarbon sealing rings prior to each transport.

(3) No leakage is permitted between the drum-wall and the follower plate.

(4) During transportation, the follower plate must be free to move so that the contents of the drums may expand or contract during transport.

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(5) The system must be secured within a wooden overpack. The overpack must be blocked and braced within the transport vehicle to prevent movement during transportation.

b. OPERATIONAL CONTROLS - The system must be transported by private or contract carrier.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. MARKING - The marking requirements of § 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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DATE

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM